

ISAAC AUSTIN.

[To accompany bill H. R. No. 169.]

MARCH 5, 1840.

Mr. CARR, from the Committee on Revolutionary Pensions, made the following

REPORT:

The Committee on Revolutionary Pensions, to whom were referred the papers of Isaac Austin, have re-examined the subject, and beg leave to introduce their report of a former session of Congress, viz :

That the said Austin has been a pensioner of the United States. After his name was placed on the pension-roll, it was stricken off, on a re-examination of his case, by the Commissioner of Pensions. The reasons for not continuing the pension were stated by the Commissioner of Pensions in a letter to the petitioner, dated January 13, 1835, and are as follows: "Captain Forbish, in whose company it is stated that in 1776 you enlisted and served three years, does not appear, from any evidence in the department, to have continued in the service after the month of November, 1776. Colonel McDougal's regiment was first organized in 1775; but Captain Forbish was not one of his officers. It may be added, likewise, that enlistments for three years in the New York line are not in accordance with the history of the service of that period."

Isaac Austin states, in his declaration, that he resided in the city of New York at the commencement of the revolutionary war; that he enlisted for three years under Captain Forbish, of the said city; that he served the whole of his term of three years, was dismissed, and got his discharge, which was put in Captain Forbish's chest. Says he was in the regiment commanded by Colonel McDougal; was in the battles of Long Island, White Plains, at Trenton, and in several skirmishes.

Isaiah Burtel, who is stated to be a credible person, and who now receives a pension for his revolutionary services, states, under oath, that he was well acquainted with the said Isaac Austin during the war; that he was with him in the same battles above mentioned; and that he, the said Austin, enlisted and served three years in the regiment commanded by Colonel McDougal.

The committee are not fully satisfied that the reasons stated by the Commissioner of Pensions for striking the name of Austin from the roll are sufficient and conclusive against his claim. It appears by a letter written by General Erastus Root, formerly a member of Congress, to the Secretary of War, that a portion of the regiment commanded by the said Colonel

(afterwards General) McDougal enlisted for three years, and of the same character were some of the troops who accompanied Montgomery to Canada. He states in that letter, that General Fowler, who was a lieutenant in the same corps, gave his certificate fully establishing the above facts; that such certificate was laid before the Secretary of War; and on that certificate the pension was granted, which was afterwards taken from the said Austin. The certificate of General Fowler is not before the committee, although the Commissioner of Pensions has certified that the papers which he has caused to be sent to the committee are true copies of the originals on file. The committee, under all the circumstances of this case, think that the said Austin ought not to have been stricken from the roll of pensioners. They therefore report a bill for his relief.

Mr. Carr, from the Committee on Revolutionary Pensions, made the following

REPORT:

The Committee on Revolutionary Pensions, to whom were referred the papers of Isaac Austin, have examined the subject, and beg leave to introduce their report of a former session of Congress, viz:

"That the said Austin has been a pensioner of the United States. After his name was placed on the pension-roll, it was stricken off on a re-examination of his case by the Commissioner of Pensions. The reasons for not continuing the pension were stated by the Commissioner of Pensions in a letter to the petitioner, dated January 13, 1835, and are as follows: 'Cap- tain Fordish, in whose company it is stated that in 1776 you enlisted and served three years, does not appear from any evidence in the department to have continued in the service after the month of November, 1776. Colonel McDougal's regiment was first organized in 1775; but Captain Fordish was not one of his officers. It may be added, likewise, that enlist- ments for three years in the New York line are not in accordance with the history of the service of that period.'"

Said Austin states, in his declaration, that he resided in the city of New York at the commencement of the revolutionary war; that he enlisted for three years under Captain Fordish, of the said city; that he served the whole of his term of three years, was dismissed, and got his discharge, which was put in Captain Fordish's chest. Says he was in the regiment commanded by Colonel McDougal; was in the battles of Long Island, White Plains, at Trenton, and in several skirmishes.

Isaiah Bartel, who is stated to be a credible person, and who now re- ceives a pension for his revolutionary services, under oath, that he was well acquainted with the said Isaac Austin during the war; that he was with him in the same battles above mentioned; and that he, the said Austin, enlisted and served three years in the regiment commanded by Colonel McDougal.

The committee are not fully satisfied that the reasons stated by the Com- missioner of Pensions for striking the name of Austin from the roll are sufficient and conclusive against his claim. It appears by a letter written by General Erasmus Root, formerly a member of Congress, to the Secretary of War, that a portion of the regiment commanded by the said Colonel